

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EUGENE J. THOMAS, ET AL,

Plaintiffs,

v.

PARVIZ DANESHGARI, ET AL,

Defendants.

Case No. 13-10378

Honorable Nancy G. Edmunds

ORDER (1) CONSTRUING DEFENDANTS' PENDING MOTION TO DISMISS [24] AS ONE BROUGHT UNDER RULE 12(b)(6) ONLY; (2) GRANTING IN PART PLAINTIFFS' MOTION TO EXTEND TIME TO RESPOND TO DEFENDANTS' MOTION TO DISMISS [32]; AND (3) GRANTING PLAINTIFFS' MOTION TO EXCEED PAGE LIMIT IN ITS RESPONSE TO DEFENDANTS' MOTION TO DISMISS [33]

This matter comes before the Court on Plaintiffs' motions (1) to extend the time to respond to Defendants' Rule 12(b)(6) motion to dismiss, or in the alternative, Rules 12(d) and 56 motion for summary judgment, until 30 days after pending discovery issues are resolved;¹ and (2) to exceed the page limit for its response by 10 pages similar to the relief the Court previously granted Defendants and allowing them to file a 30 page brief in support of their motion to dismiss. Being fully advised in the premises, and having read the pleadings, the Court:

1. GRANTS Plaintiffs' motion for 10 extra pages for its response to Defendants' pending motion to dismiss; and

¹Plaintiffs' (corrected) motion to compel discovery [29] was referred to Magistrate Judge Komives on April 24, 2013 [30].

2. GRANTS IN PART Plaintiffs' motion to extend the time to respond to Defendants' pending motion to dismiss [24]. Because of the complex nature of this litigation, the Court will construe Defendants' motion solely as one brought pursuant to Federal Rule of Civil Procedure 12(b)(6). It will not consider and will exclude matters outside the pleadings presented in Defendants' motion to dismiss. Accordingly, Defendants' pending motion to dismiss [24] will not be treated as one for summary judgment under Rule 56. See Fed. R. Civ. P. 12(d). In light of this ruling, there is no need to extend the time for Plaintiffs to respond to Defendants' motion until 30 days after pending discovery issues are resolved. Rather, the Court will grant Plaintiffs' request for an extension of time to respond to Defendants' motion, but limits that extension of time to 14 days.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: May 2, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 2, 2013, by electronic and/or ordinary mail.

s/Johnetta M. Curry-Williams
Case Manager
Acting in the Absence of Carol A. Hemeyer